IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RANDY LANGER and JAMES LANGER,)	CIVIL ACTION
Plaintiffs,)))	
v.)))	No.: 2:16-CV-06130-HB
CAPITAL ONE AUTO FINANCE, a division of CAPITAL ONE, N.A.,)	
Defendant.)	

PLAINTIFFS' SECOND MOTION TO COMPEL DISCOVERY

AND NOW COME Plaintiffs, by and through their undersigned counsel, and respectfully files their Second Motion to Compel Discovery, stating as follows:

Preliminarily, if the Court agrees to narrow the scope of discovery to that relating to class certification of the Repossession Notice Class at tomorrow's status conference, much of the information sought herein need not be adjudicated at this time. However, the matters set forth below are set forth in entirety so that the Court is aware of the scope of the pending discovery dispute in the aggregate. With minimal additional class information as relating to the Repossession Notice Class, Plaintiffs will be able to file a supplement/amendment to the pending Motion for Class Certification which was filed contemporaneously with the complaint at the Court of Common Pleas of Philadelphia County. The discovery disputes herein not related to the Notice of Repossession can be denied without prejudice or held in abeyance if the Court wishes to proceed with the partial summary judgement and/or class certification route as relating solely to the Notice of Repossession Class (as proposed by Plaintiffs in the recently filed Motion for Leave to File Partial Summary Judgement, dkt. 74).

- 1. Plaintiffs bring claims against Defendant Capital One Auto Finance, a division of Capital One, N.A. (hereinafter "Capital One") under the Pennsylvania UCC and MVSFA.
- 2. On December 20, 2017, Plaintiffs served their First Set of Class Discovery on Defendant ("COAF").

- 3. On January 23, 2017, COAF served its Responses to those discovery requests.
- 4. While the Court has ruled on one discovery dispute (the loan files of putative class members)(Doc. 14), Plaintiffs discovered that the resolution of that issue was based on misinformation and, therefore, has resulted in prejudice to Plaintiffs.
- 5. Furthermore, several other responses were inadequate for the reasons set forth in the brief (dkt. 23) in support of this motion, incorporated herein.

WHEREFORE, Plaintiffs respectfully request that the Court compel all requested discovery and provide any additional relief as it deems reasonable.

Respectfully submitted,

Shenkan Injury Lawyers, LLC.

Richard Sherikan

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2019 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

SHÉNKAN INJORY LAWYERS, LLC.

Richard Shenkan

Attorney for Plaintiffs